THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.10313 of 2006

Date:31.05.2006

Between:

K.Rama Rao

-------PETITIONER

AND

The Manager others.

----RESPONDENTS

ORDER:

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The petitioner is a lessee in respect of Acs.4.77 cents of land in survey Nos. 123 and 124 of Kovvur, belonging to Sri Subramanyaswamy Vari Temple. He challenges the notice issued by the temple proposing to conduct auction of the leasehold rights for the same. The petitioner states that his appeal for recognizing him as a landless poor in the context of continuing him as lessee is pending and there was no justification for the respondents in proceeding with the auction.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

It is not in dispute that the petitioner has not been recognized as landless poor as yet. Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987 (for short 'the Act') has brought about termination of leases in respect of agricultural lands held by temples. The Act itself mandates that the leasehold rights for such land shall be assigned only after conducting public auction. Therefore, no exception can be taken to the notice challenged in this writ petition. At any rate, the auction has already taken place on 24.05.2006.

The learned counsel for the petitioner submits that the petitioner has raised a crop and still it has been existing on the land. If that be so, two courses are open to the petitioner. The first is that in case he is willing to pay the lease amount representing the highest bid amount in the auction, the respondents shall consider the feasibility of granting a fresh lease in favour of the petitioner. Even such a facility would be subject to the condition that if the highest bidder is prepared to enhance the amount, a limited bid between such highest bidder and the petitioner shall be conducted and the lease shall be granted accordingly. In case, the petitioner is not willing to avail the said facility, it shall be open to him to make a representation to the first respondent in the matter of permitting him to harvest the existing crop.

The writ petition is accordingly disposed of. The extension of any facility to the petitioner shall depend upon his clearing of all the arrears, if any.

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31.05.2006

Note: Issue C.C. tomorrow

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